

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRIAN KIRBY,

Plaintiff,

v.

No. 12-cv-1134 SMV/RHS

SMITH'S FOOD AND DRUG CTRS., INC.,

Defendant.

ORDER GRANTING MOTION FOR DISMISSAL WITHOUT PREJUDICE

THIS MATTER is before the Court on Plaintiff's Unopposed Motion for Dismissal Without Prejudice [Doc. 31]. The Court, being advised that the Motion is unopposed, and being otherwise fully advised in the premises, FINDS that the Motion is well-taken and should be granted.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Unopposed Motion for Dismissal Without Prejudice [Doc. 31] is **GRANTED**. The above-entitled and numbered cause is **DISMISSED without prejudice**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge